

Remarks

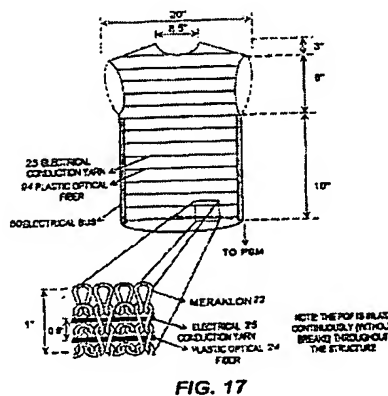
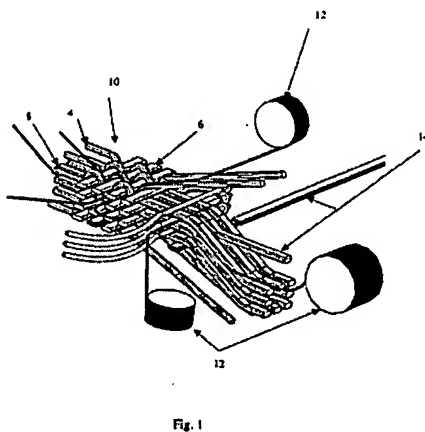
The Office Action mailed August, 8, 2006 has been carefully considered. Claims 1-40 are pending, with Claims 8-10, 13-24, 26-29 and 31-40 withdrawn because a previous Restriction Requirement by the Office. Claims 1-7, 11, 12, 25 and 30 remain the case none of the claims being allowed. Applicant respectfully requests reconsideration and allowance in view of the following remarks.

35 U.S.C. §102

Claims 1, 7, 11, 12, 25, and 30 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,381,482 ("Jayaraman"). Claims 1, 7, 11, 12, 25, and 30 were also rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,029,977 ("Wheeler"). Applicant respectfully disagrees with both sets of rejections.

All of the claims of the present invention are directed to *three-dimensional engineered* fabrics. These are fabrics that are *engineered* or constructed in three-dimensions or three separate planes. Jayaraman is directed to "woven or knitted two-dimensional fabric..." (col. 1, line 65-66).

By way of example, Applicant's Figure 1 of the current application shows a fabric engineered in three dimensions. Beside it, Jayaraman's Figure 17 shows a two-dimensional knit, or a fabric engineered in two dimensions.



Applicant respectfully believes that the Office has overlooked the fact that the claimed invention uses a fabric *engineered* in three dimensions. Jayaraman's fabrics are constructed or engineered in two dimensions, e.g., having only a warp and weft direction. Similarly, Jayaraman's tubular fabrics and garments are constructed with a two-dimensional fabric. Jayaraman never discloses or suggests a fabric *engineered* in three-dimensions. For at least this reason, Applicant believes all currently pending claims are patentable over the cited reference.

Even despite this structural distinction, Applicant also respectfully believes that the Office is interpreting three-dimensional fabrics inconsistently from how it would be interpreted by those of ordinary skill in the art. As the Office is aware, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. MPEP 2111; *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Applicant believes the Office is interpreting *three-dimensional engineered* fabrics to include *any fabric*, even fabrics recognized as having a two-dimensional construction by those of ordinary skill in the art.

In the textile arts, fabrics are termed "two-dimensional" if they are constructed, e.g., woven or knit, in two dimensions. These fabrics are recognized as two-dimensional even though the finished fabric product or things made from that product may occupy three dimensions in space. Jayaraman, for example, makes that clear, i.e. even though Jayaraman's fabric occupies three dimensions in space, Jayaraman still considers it a two-dimensional fabric. Applicant is making no claim to two-dimensional fabrics.

Wheeler, similar to Jayaraman, fails to disclose or suggest a *three-dimensional engineered* fabric. For at least these reasons, Applicant believes all currently pending claims are patentable over the cited references.

35 U.S.C. §102/103

Claims 2-6 were rejected under 35 U.S.C. §102, or in the alternative, under 35 U.S.C. §103 as obvious over Jayaraman. Because Claims 2-6 depend from Claim 1, Applicants submit that these claims are patentable for the reasons given above.

Claims 2-6 were rejected under 35 U.S.C. §102, or in the alternative, under 35 U.S.C. §103 as obvious over Wheeler. Because Claims 2-6 depend from Claim 1, Applicants submit that these claims also are patentable for the reasons given above.

Conclusion

Applicants believe this response overcomes the Office's rejections and places the case in condition for allowance. If the Office believes there are outstanding issues, Applicants' representative would welcome a telephone call to address those issues.

Respectfully submitted,



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